

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Kurt Denton Crouch

Case No.

3:19mj043

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/29/2019 in the county of Montgomery in the Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 USC s. 111(a)-(b)

assault of a federal task force officer with a dangerous or deadly weapon

18 USC s. 924(c)

use, carrying, and discharge of a firearm during and in relation to a crime of violence

18 USC s. 922(g)(1)

felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Nicholas A. Graziosi

☒ Continued on the attached sheet.

Nicholas A. Graziosi

Complainant's signature

Nicholas A. Graziosi, SA of the FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

1-29-19

City and state:

Dayton, Ohio

Sharon L. Ovington

Judge's signature

Sharon L. Ovington, US Magistrate Judge

Printed name and title

SUPPORTING AFFIDAVIT

Your Affiant, Nicholas A. Graziosi, being duly sworn, does hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since March of 2017. Prior to joining the FBI, I served in the infantry as an enlisted member in the United States Marine Corps. I attended West Virginia University and graduated with a bachelor's degree in criminology and investigations. Additionally, I attended West Virginia University College of Law where I graduated with a Juris Doctorate degree. I am currently assigned to the FBI Cincinnati Division – Dayton Resident Agency. Since joining the FBI, I have received specialized training and experience in the investigation of various offenses set forth under Title 18 and Title 21 of the United States Code. Based upon my training and experience, I am aware that it is a violation of Title 18, United States Code, Section 111 to forcibly assault, resist, oppose, impede or interfere with a federal officer while that federal officer is engaged in his/her official duties. Further, I am aware of federal firearms laws and know that possessing, brandishing, and discharging a firearm during and in relation to any crime of violence is a violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

PURPOSE OF AFFIDAVIT

2. This affidavit is made in support of an application for a federal arrest warrant and complaint against Kurt Denton Crouch (hereinafter referred to as “**CROUCH**”) for:

a. Knowingly and intentionally forcibly assaulted, resisted, opposed, impeded, or interfered with a federal task force officer while the task force was engaged in or on account of the performance of his official duties, and in doing so, used a dangerous and deadly weapon, in

violation of Title 18, U.S.C. Sections 111(a)-(b).

b. used, carried, and discharged a firearm during and in relation to a crime of violence for which the person may be prosecuted in a court of the United States, in violation of Title 18, U.S.C. Section 924(c);

c. a felon in possession of a firearm that moved in interstate and foreign commerce, in violation of 18 U.S.C., Section 922(g)(1);

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

SUMMARY OF PROBABLE CAUSE

4. During fall 2018, members of the FBI Safe Streets Task Force, including Task Force Officer (TFO) Frederick Zollers, Patrick, TFO Pat Craun, and Special Agent Robert Buzzard, responded to investigate a shots fired incident near a motel in Montgomery County, Ohio and to determine whether any federal firearm laws had been broken. Through the investigation, TFOs Zollers and Craun apprehended **CROUCH** in a parking lot near the hotel. Law enforcement obtained a search warrant for **CROUCH**'s room at the motel and discovered inside of it, among other things, an AK-47 style rifle as well as drugs. On or about December 28, 2018, the State of Ohio indicted **CROUCH** stemming from this incident, on a variety of charges, including: weapons under disability (prior crime of violence); and carrying a concealed weapon. While initially detained on those charges, **CROUCH** received a bond in that case during mid-January 2019.

5. On January 28, 2019, at approximately 11:34 p.m., Montgomery County Sheriff's Office (MCSO) deputies were dispatched to 1944 Miamisburg Centerville Road, the Motel Six, room number 301, in Washington Township, Montgomery County, Ohio reference shots fired

complaint. Montgomery County Regional Dispatch advised they received a 911 call from a motel resident, who advised he/she was staying in room 305 and heard two gun shots come from room 301. The reporting party also told dispatch the person who stays in room 301 was named Kurt.

6. Upon deputies arriving on scene, Deputy Munn observed a white male, later identified as **CROUCH**, exit the room and then run back inside as Deputy Munn attempted to make contact. MCSO deputies set up a perimeter around the motel and room 301. MCSO deputies observed suspected bullet holes in the window of room 301.

7. MCSO Detective Gary Ridgeway responded to the scene and spoke with the reporting party. The reporting party told Detective Ridgeway he/she was positive that the shots came from room 301. The reporting party told Detective Ridgeway he/she knew the male in room 301 as Kurt and he/she had previously conversation with Kurt about Kurt possessing several firearms including an AK-47. The reporting party told Detective Ridgeway that Kurt had been drinking heavily and had an argument with his girlfriend. Detective Ridgeway reviewed video footage from the motel and located a picture of the male that the reporting party was identifying as Kurt. Detective Ridgeway then positively identified Kurt as **CROUCH** through the JusticeWeb database. Detective Ridgeway reviewed **CROUCH**'s criminal history and learned that **CROUCH** was currently under indictment (case number 2018CR04550) through Montgomery County Common Pleas Court for Having Weapons While Under Disability (Prior offense of Violence), Carrying Concealed Weapons (Loaded/Ready at Hand), Resisting Arrest and Obstructing Official Business. Detective Ridgeway drafted a state search warrant for room 301 for violations of Obstructing Official Business, Having Weapons While Under Disability and Inducing panic.

8. Members of the MCSO Regional Agency Special Weapons and Tactics (SWAT) Team were activated to respond to the evolving shots fired investigation. Additionally, given

their familiarity with CROUCH and his potential federal weapons violations, FBI Safe Streets Task Force Officer (TFO) Frederick Zollers and TFO Patrick Craun responded to the callout and provided assistance to the SWAT Team members. SWAT Team members began PA announcements ordering **CROUCH** to exit room 301. PA announcements along with lights and sirens from the SWAT armored vehicle continued for the duration of the callout. SWAT Team members in the observer unit confirmed they observed two bullet holes in the window of room 301.

9. On January 29, 2019, at approximately 4:18 a.m., the search warrant was signed by the Honorable Montgomery County Common Pleas Court Judge Denise Adkins. Following the search warrant being signed, law enforcement deployed less lethal bean bag rounds into room 301 through the window. Following the bean bag rounds being deployed through the window into room 301, law enforcement heard what sounded like a gunshot inside of room 301. Members of the observer unit advised they saw a flash inside of room 301. TFO Zollers deployed ferret rounds while TFO Craun held a ballistic shield and Detective Josh Samples acted as lethal cover. When TFO Zollers deployed one ferret round into room 301 through the window, he and other law enforcement officers immediately heard three guns shots come from room 301. TFO Zollers, TFO Craun and Detective Samples took cover behind the armored vehicle. TFO Zollers and SWAT Team members observed three additional bullet holes in one of the window panes. The three bullet holes were concentrated in tight group and directed in the area of where TFO Zollers, TFO Craun and Detective Samples were standing when TFO Zollers deployed the ferret rounds.

10. Law enforcement continued PA announcements ordering **CROUCH** to exit room 301. CROUCH ignored commands to exit room 301 and SWAT Team members continued to deploy gas munitions into room 301. At approximately 8:04 a.m., **CROUCH** was taken into

custody and SWAT Team member's secured room 301. No other individuals were located in room 301.


11. Pursuant to the search warrant, law enforcement conducted a search of room 301. Investigators located a Bushmaster semi-automatic rifle (serial number BFH020572) on the bathroom floor. Additionally, investigators located two loaded rifle magazines and a loaded 9mm Glock magazine. Investigators located several spent rifle casings in the room, consistent with **CROUCH** discharging a firearm.

12. TFO Zollers contacted ATF Special Agent Ken Pitney and learned that the Bushmaster semi-automatic is manufactured outside the State of Ohio, thus moved in interstate commerce.

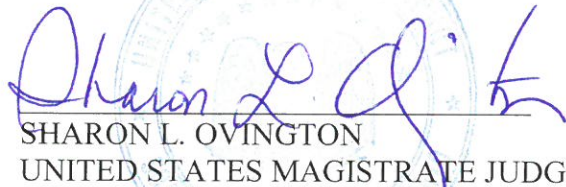
13. I have also reviewed a criminal history report for **CROUCH** as well as the website for Lake County, Florida, Clerk of Court. Both of these documents indicate that **CROUCH** was convicted in 2006 of aggravated assault with a deadly weapon, a felony that carries a term of imprisonment exceeding one year.

CONCLUSION

14. Based on the above information provided herein, your Affiant believes that probable cause to issue a criminal complaint against, and an arrest warrant for, **KURT DENTON CROUCH**.


NICHOLAS A. GRAZIOSI
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 29th day of January, 2019.


SHARON L. OVINGTON
UNITED STATES MAGISTRATE JUDGE

